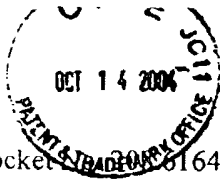


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Attorney Docket No. 10/040,047

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Gao et al.  
Serial No.: 10/040,047  
Filed: February 1, 2002  
For: *Positive Electrode Active Materials for Secondary Batteries and Methods of Preparing Same*  
Group Art Unit: 1745  
Examiner: Kalafut, Stephen J.

Date: October 14, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

This amendment is responsive to the Final Office Action ("Action") dated August 20, 2004 and is filed before expiration of the three month shortened statutory period. Applicants provide the present Amendment to address the issues raised in the Action pursuant to the rules stated in revised 37 C.F.R. 1.121 that became effective on July 30, 2003.

10/21/2004 CQUEEN 00000001 500220 10040047

Sale Ref: 00000001 DA#: 500220 10040047

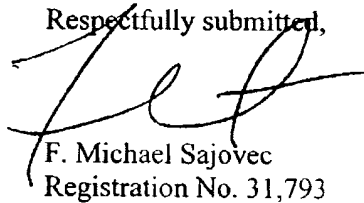
01 FC:1201 352.00 DA

In re: Gao et al.  
Docket No.: 208-6164  
Serial No.: 10/040,047  
Page 18 of 18

### CONCLUSION

The concerns of the Examiner addressed in full, Applicants respectfully request withdrawal of the outstanding rejections and the issuance of a Notice of Allowance forthwith. No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220. The Examiner is encouraged to direct any questions regarding the foregoing to the undersigned, who may be reached at (919) 854-1400.

Respectfully submitted,



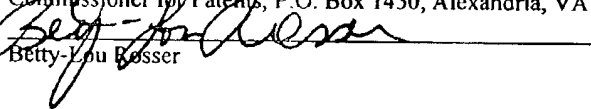
F. Michael Sajovec  
Registration No. 31,793

**Customer Number 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
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Facsimile: (919) 854-1401

### CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV472512155US Date of Deposit: October 14, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Betty-Lou Rosser